

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:

SHONETTE WATSON,

Complainant,

and

FELIX MATLOCK,

Respondent.

CHARGE NO(S): 2005CN2063

EEOC NO(S): N/A

ALS NO(S): 06-484

**NOTICE**

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

Entered this 1<sup>st</sup> day of April 2011

N. KEITH CHAMBERS  
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS**  
**HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:	)	
	)	
SHONETTE WATSON,	)	
	)	
Complainant,	)	Charge No. 2005CN2063
	)	ALS No. 06-484
AND	)	
	)	
FELIX MATLOCK,	)	
	)	
Respondent.	)	

**RECOMMENDED ORDER AND DECISION**

This matter is before me on Respondent Felix Matlock's *Motion to Dismiss for Failure to Prosecute* which was filed with the Commission on July 31, 2007. Although Complainant Shonette Watson was properly served with that motion and was ordered to file a response, as of the date of this Recommended Order and Decision, no response has been filed. For the reasons set forth below, Respondent's *Motion to Dismiss for Failure to Prosecute* is hereby GRANTED.

**FINDINGS OF FACT**

1. On December 22, 2006, the Illinois Department of Human Rights filed a *Complaint of Civil Rights Violation* on behalf of Complainant, Shonette Watson.
2. The parties were ordered to appear for an initial status hearing at the Commission on February 7, 2007 at 10:00 a.m. On that date, Respondent appeared through counsel and Complainant failed to appear.
3. On February 7, 2007, an order was entered by the administrative law judge rescheduling the hearing for March 7, 2007 at 11:00 a.m.

4. On March 7, 2007, Respondent again appeared through counsel and Complainant appeared on her own behalf. The March 7<sup>th</sup> order entered by the administrative law judge set a discovery schedule and ordered the parties to appear for discovery status on May 2, 2007 at 11:00 a.m.
5. On May 2, 2007, Respondent appeared through counsel and Complainant again failed to appear. An order was entered on that date ordering the parties to appear on June 6, 2007 at 10:00 a.m. for status on discovery.
6. On June 5, 2007, the parties filed an *Agreed Motion to Reschedule* the June 6, 2007 status date to July 17, 2007 at 2:00 p.m and that motion was granted.
7. On July 17, 2007, Respondent appeared through counsel and Complainant again failed to appear. On that date, an order was entered setting a briefing schedule for Respondent's filing of a motion to dismiss, Complainant's filing of a response to that motion and Respondent filing a reply.
8. Respondent filed his timely motion to dismiss on July 31, 2007. Complainant has failed to file a response to that motion to dismiss.
9. As of the date of this Recommended Order and Decision, Complainant has not filed a response to Respondent's *Motion to Dismiss for Failure to Prosecute*.

#### **CONCLUSIONS OF LAW**

1. Complainant's failure to appear at three (3) scheduled status hearings and her failure to respond to Respondent's motion to dismiss has unreasonably delayed the proceedings in this matter.
2. In light of Complainant's apparent abandonment of her claim, this matter should be dismissed with prejudice.

#### **DISCUSSION**

Complainant Watson has taken absolutely no action to prosecute this matter since the year 2007. Although ordered to appear on February 2<sup>nd</sup>, 2007, May 2<sup>nd</sup>, 2007 and July 17<sup>th</sup>, 2007, Complainant, without explanation, failed to appear at the Commission for the scheduled status hearings on all of those dates. In addition, Complainant has failed to file a response to Respondent's motion to dismiss which has been pending since July of 2007. For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result of the abandonment of her claim before the Commission, it is most appropriate to dismiss the *Complaint of Civil Rights Violation* with prejudice. *Leonard and Solid Matter, Inc.*, IHRC, ALS No. 4942, August 25, 1992.

#### **RECOMMENDATION**

Based on the foregoing, it is recommended that the *Complaint of Civil Rights Violation* and the underlying charge be dismissed with prejudice.

**ENTERED: May 5<sup>th</sup>, 2010**

**HUMAN RIGHTS COMMISSION**

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**MARIETTE LINDT  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION**